

CHAPTER 21.01

LINCOLN HOUSING CODE

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21.01.010 Adoption of Uniform Housing Code 1994 Edition.

Except as hereinafter provided by specific amendment, the Uniform Housing Code 1994 Edition (International Conference of Building Officials) hereinafter referred to as the "Uniform Housing Code" is hereby adopted and incorporated into Title 21 of the Lincoln Municipal Code. (Ord. 16973 §1; April 29, 1996; prior Ord. 16186 §1; August 10, 1992).

21.01.020 Section 101 Amended; Citation of Code.

Section 101 of the Uniform Housing Code is amended to read as follows:

Section 101. This ordinance shall be known and cited as the Lincoln Minimum Housing Code and hereinafter will be referred to as "this code." (Ord. 16186 §2; August 10, 1992).

21.01.030 Section 102 Amended; Purpose.

Section 102 of the Uniform Housing Code is amended to read as follows:

Section 102. The purpose of this code is to provide minimum standards to safeguard life or limb, health, property and public welfare and to protect neighborhoods from hazardous, blighting and deteriorating influences or conditions that have a negative impact on area property values and discourage property owners to improve their properties by regulating and controlling the use and occupancy, location and maintenance of all residential buildings and structures and premises within the City and within three miles of the corporate limits of the City and outside of any other organized city or village.

The purpose of this code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by the terms of this code.

The purpose of this code is not to waive, reduce, or otherwise alter any minimum standards provided for in the Building Code regulating and controlling the design, construction, quality of materials, use and occupancy, location, and maintenance of all new buildings and structures within the City and within three miles of the corporate limits of the City and outside of any other organized city or village and certain equipment specifically regulated therein. (Ord. 16955 §1; March 18, 1996; prior Ord. 16576 §1; March 21, 1994; Ord. 16186 §3; August 10, 1992).

21.01.035 Section 103 Amended; Scope.

Section 103 of the Uniform Housing Code is amended to read as follows:

Section 103. The provisions of this code shall apply to all buildings or portions thereof used, or designed or intended to be used, for human habitation. Such occupancies in existing buildings may be continued as provided in Section 3401 of the Uniform Building Code, except such structures as are found to be substandard as defined in this code.

Where any building or portion thereof is used or intended to be used as a combination apartment house-hotel, the provisions of this code shall apply to the separate portions as if they were separate buildings.

Rooming houses, congregate residences or lodging houses shall comply with all the requirements of this code for dwellings.

The provisions of this code are not applicable to temporary housing; provided, however, it shall be unlawful for any person to occupy or permit another person to occupy any temporary housing for more than fourteen calendar days in any calendar year. (Ord. 16973 §2; April 29, 1996: prior Ord. 16955 §2; March 18, 1996).

21.01.040 Section 203.1 Amended; Housing Board; General.

Section 203.1 of the Uniform Housing Code is amended to read as follows:

Section 203.1. General. In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretations of this code, there shall be and is hereby created a Housing Advisory and Appeals Board consisting of seven members. The Building Official shall be an ex officio member and shall act as secretary to said board but shall have no vote upon any matter before the board. The Housing Advisory and Appeals Board shall be appointed by the Mayor and shall hold office at the Mayor's pleasure. Appointments shall be for three-year staggered terms. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Building Official. Appeals to the board shall be processed in accordance with the provisions contained in Section 1201 of the Uniform Housing Code. Copies of all rules of procedure adopted by the board shall be delivered to the building official, who shall make them accessible to the public. (Ord. 16973 §3; April 29, 1996: prior Ord. 16186 §4; August 10, 1992).

21.01.050 Section 203.3 Added; Relocation of Persons.

Section 203 of the Uniform Housing Code is amended by adding a new subsection 203.3 to read as follows:

Section 203.3. The Mayor shall designate a person or persons or an agency or agencies whose responsibility it shall be to see that no person is physically displaced from their dwelling until they have been offered assistance in relocating in a dwelling unit which meets the provisions of this title. (Ord. 16973 §4; April 29, 1996: prior Ord. 16186 §5; August 10, 1992).

21.01.055 Section 204 Amended; Violations.

Section 204 of the Uniform Housing Code is amended to read as follows:

Section 204. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish, equip, use, occupy or maintain any building, structure, or premises or cause or permit the same to be done in violation of this code. (Ord. 16955 §3; March 18, 1996).

21.01.060 Section 401 Amended; Definitions.

Section 401 of the Uniform Housing Code is amended to read as follows:

Section 401. For the purpose of this code, certain terms, phrases, words, and their derivatives shall be construed as specified in either this chapter or as specified in the Building Code. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, copyright 1986, shall

be considered as providing ordinary accepted meanings. Words in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

Approved, as used in this title, shall mean materials or methods of construction authorized by ordinances of the City of Lincoln or materials or methods of construction which the building official approves as an equivalent material or method to that prescribed by ordinance. Tests or principles made or utilized by nationally recognized experts, scientific organizations, or other competent evidence may be required by the Building Official at the owner's expense prior to approval.

Basement shall mean any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

Blight or Blighted shall mean unsightly condition including the accumulation of debris, litter, rubbish, or rubble; fences characterized by holes, breaks, rot, crumbling, cracking, peeling or rusting; landscaping that is dead, characterized by uncontrolled growth or lack of maintenance, or is damaged and any other similar conditions of disrepair and deterioration regardless of the condition of other properties in the neighborhood.

Building Code shall mean the Uniform Building Code promulgated by the International Conference of Building Officials, as adopted by the City of Lincoln.

Building Official. The Director of Building and Safety or his authorized representative is hereby designated the "Building Official" for purposes of this code.

Court shall mean a space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls of a building.

Debris shall mean substance of little or no apparent economic value including, but not limited to, deteriorated lumber, old newspapers, furniture parts, stoves, sinks, cabinets, household fixtures, refrigerators, car parts, abandoned, broken or neglected equipment, or the scattered remains of items.

Deterioration shall mean a lowering in quality of the condition or appearance of a building, structure or parts thereof characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or any other evidence of physical decay or neglect or excessive use or lack of maintenance over a substantial or widespread area as opposed to a limited or concentrated area.

Dormitory shall mean any building or spaces within a building where group sleeping accommodations are provided for more than sixteen persons who are not members of the same family group sleeping in one room or in a series of closely associated rooms under joint occupancy and single management as in college residence halls, fraternity houses, military barracks, shelters for the homeless, with or without meals, but without individual cooking facilities.

Dwelling shall mean any building, or mobile home, which is wholly or partly used or intended to be used for residential purposes, living, or sleeping by human occupants; provided that temporary housing as hereinafter defined shall not be regarded as a dwelling.

Dwelling unit shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating.

Efficiency dwelling unit shall mean a dwelling unit containing only one habitable room and meeting the requirements of Section 503(b), Exception.

Electrical code shall mean the National Electrical Code sponsored by the National Fire Protection Association under the auspices of the American National Standards Institute as adopted by the City of Lincoln.

Emergency shall mean a combination of circumstances calling for immediate action to protect the health and safety of persons residing in the city.

Extermination shall mean the control and elimination of insects, rodents, or other pests by eliminating their harborage place; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods approved by the Health Officer.

Garbage shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

Grade shall mean the lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, between the building and a line five feet from the building.

Habitable room shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding recreation rooms, studies, temporary bedrooms used by members of the family, bathrooms, water closet compartments, laundries, pantries, foyers, or connecting corridors, closets, and storage spaces.

Health Officer shall mean the Director of the Department of Health of the City of Lincoln.

Hot water shall mean hot water supplied to plumbing fixtures at a temperature of not less than 110 degrees Fahrenheit.

Infestation shall mean the presence, within or around a dwelling, of any insects, rodents, or other pests.

Litter shall mean decaying or non-decaying solid and semi-solid wastes including, but not limited to, both combustible and non-combustible wastes, such as paper, trash, cardboard, waste material, cans, yard clippings, wood, glass, bedding, debris, scrap paving material, discarded appliances, discarded furniture, dry vegetation, weeds, dead trees and branches, overgrown vegetation and trees which may become a fire hazard, piles of earth mixed with any of the above or any foreign objects, including inoperable vehicles, except, for purposes of this ordinance, litter shall not include organic materials being composted in a safe and sanitary manner in accordance with Chapter 5.41 of the Lincoln Municipal Code.

Mechanical Code shall mean the Uniform Mechanical Code promulgated jointly by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials, as adopted by the City of Lincoln.

Mobile home shall mean a year-round, transportable structure which is a single-family or two-family dwelling unit suitable for permanent (more than thirty days) living quarters, more than eight feet wide and thirty-two feet in length designed and built to be towed on its own chassis and designed to be used be used as a single-family or two-family dwelling with or without a permanent foundation when connected to the required utilities.

Multiple dwelling shall mean any dwelling containing more than two dwelling units.

Nuisance. The following shall be defined as nuisances:

- (a) Any public nuisance known at common law or in equity jurisprudence.
- (b) Any attractive nuisance which may prove detrimental to children whether in a building, on the premises of a building, or on an unoccupied lot. This includes any abandoned wells, shafts, basements

or excavations; abandoned refrigerators and motor vehicles; or any structurally unsound fences or structures; or any lumber, trash, fences, debris or vegetation which may prove a hazard for inquisitive minors.

(c) Whatever is dangerous to human life or is detrimental to health, as determined by the Health Officer.

(d) Overcrowding a room with occupants.

(e) Insufficient ventilation or illumination.

(f) Inadequate or unsanitary sewage or plumbing facilities.

(g) Uncleanliness, as determined by the Health Officer.

(h) Whatever renders air, food, or drink unwholesome or detrimental to the health of human beings, as determined by the Health Officer.

(i) Any building or structure which as a result of vandalism, neglect, inadequate maintenance, or lack of repair is permitted to become so blighted, deteriorated or dilapidated that such building or structure is detrimental to or endangers the health, safety, or welfare of the public or occupants thereof.

(j) Any premises which as a result of vandalism, neglect or inadequate maintenance or lack of repair is permitted to become so blighted that such premises is detrimental to or endangers the health, safety, or welfare of the public or occupants thereof.

(k) Vacant or abandoned buildings which for a period of six months or more have been boarded up, left in a partial state of destruction, or left in a state of partial construction after the expiration of a building permit for such construction.

Occupant shall mean any person living, sleeping, cooking, or eating in, or having actual possession of, a dwelling unit or rooming unit.

Operator shall mean any person who has charge, care, or control of a building or part thereof in which dwelling units or rooming units are let.

Ordinary minimum winter conditions shall mean the temperature fifteen degrees Fahrenheit above the lowest recorded temperature for the previous ten-year period.

Owner shall mean any person who, alone or jointly or severally with others:

(a) Shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or

(b) Shall have charge, care, or control of any dwelling or dwelling unit as owner or agent of the owner, prime tenant, or as executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this title, and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

Plumbing shall mean and include all of the following supplied facilities and equipment: Gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer, or gas lines.

Plumbing Code shall mean the National Standard Plumbing Code co-sponsored by the National Association of Plumbing-Heating-Cooling Contractors, as adopted by the City of Lincoln.

Reasonable time shall mean a time convenient for the occupant or owner, as the case may be, for the inspection of the dwelling, dwelling unit, rooming house, or rooming unit. If, however, a time cannot be agreed upon, a letter shall be sent by the Building Official to the occupant or owner, as the case may

be, stating the time the inspection shall be made. At least three days' notice shall be given in the letter for the inspection.

Rooming unit shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

Rooming house shall mean any dwelling or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to three or more persons who are not related to the owner or occupier in the relationship of husband, wife, son, daughter, mother, father, sister, or brother of the owner or operator.

Rubbish shall mean combustible and noncombustible waste materials, except garbage, and the term shall include the residue from the burning of wood, coal, coke, and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, and dust.

Rubble shall mean broken solid surface fragments usually resulting from the decay or deterioration of a building; miscellaneous mass of broken or apparently worthless materials.

Shelter for the homeless shall mean a structure used as a temporary dwelling for transient or homeless individuals, but not including orphanages or foster homes, operated by nonprofit religious, educational, or philanthropic institutions.

Story shall mean that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or unused under-floor space is more than six feet above grade as defined herein for more than fifty percent of the total perimeter or is more than twelve feet above grade as defined herein at any point, such basement or unused under-floor space shall be considered as a story.

First story shall mean the lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story; provided such floor level is not more than four feet below grade for more than fifty percent of the total perimeter, or more than eight feet below grade at any point.

Supplied shall mean paid for, furnished, or provided by or under the control of the owner or operator.

Temporary housing shall mean any tent, trailer, or other type of shelter used for human shelter which may or may not be transportable.

Trailer shall mean a transportable structure which may be a single-family dwelling unit which has a built-in flush toilet, bath or shower, and kitchen facilities and is suitable for recreational, vacation, or travel purposes, and which is not more than eight feet in width, nor more than thirty-two feet in length including hitch; provided, the length shall not apply if the gross weight does not exceed 4,500 pounds.

Wastewater disposal system. Whenever the provisions of this title require premises to be connected to the wastewater disposal system, such connection shall be governed by the provisions and requirements of Title 24 of this code.

Yard shall mean an open, unoccupied space, other than a court, unobstructed from the ground to the sky, except where specifically provided by this code, on the lot on which a building is situated.

Whenever the words "dwelling," "dwelling unit," "rooming house," "rooming unit," "premises," are used in this title, they shall be construed as though they were followed by the words "or any part thereof." (Ord. 16955 §4; March 18, 1996: prior Ord. 16186 §6; August 10, 1992).

21.01.070 Section 501 Amended; Location on Property.

Section 501 of the Uniform Housing Code is amended to read as follows:

Section 501.1 All buildings shall be located with respect to property lines and to other buildings on the same property as required by Section 504 and Chapter 6 of the Building Code.

501.2 Premises Identification. Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background. (Ord. 16973 §5; April 29, 1996: prior Ord. 16186 §7; August 10, 1992).

21.01.075 Section 503.1 Amended; Ceiling Heights.

Section 503.1 of the Uniform Housing Code is amended to read as follows:

Section 503.1 Ceiling Heights. Habitable rooms, recreation rooms, studies, and temporary bedrooms used by members of the family shall have a ceiling height of not less than seven feet measured to the lowest projection from the ceiling. Bathrooms, water closet compartments, laundries, pantries, foyers, or corridors, closets and storage spaces may have a ceiling height of not less than six feet eight inches measured to the lowest projection from the ceiling.

If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half the area thereof. No portion of the room measuring less than five feet from the finished floor to the finished ceiling shall be included in any computation of the minimum area thereof. (Ord. 16973 §6; April 29, 1996: prior Ord. 16576 §2; March 21, 1994).

21.01.080 Section 503.2 Amended; Floor Area.

Section 503.2 of the Uniform Housing Code is amended to read as follows:

Section 503.2 Floor Area. Dwelling units shall have at least one room which shall have not less than 120 square feet of floor area. Other habitable rooms, except kitchens and rooms occupied for sleeping purposes by more than one person, shall have an area of not less than seventy square feet. Every room occupied for sleeping purposes by more than one person shall contain at least fifty square feet of floor area for each occupant thereof.

EXCEPTION: Nothing in this section shall prohibit the use of an efficiency living unit within an apartment house meeting the following requirements:

1. The unit shall have a living room of not less than 220 square feet of floor area. An additional 100 square feet of floor area shall be provided for each occupant of such unit in excess of two.
2. The unit shall be provided with a separate closet.
3. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than thirty inches in front. Light and ventilation conforming to this code shall be provided.
4. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

Every room occupied for sleeping purposes by one person in a rooming house or shelter for the homeless constructed after the effective date of this title shall contain at least seventy square feet of floor area, and every room occupied for sleeping purposes by more than one person shall contain at least fifty square feet of floor area for each occupant thereof; provided, that dormitory rooms, used only for sleeping

accommodations on a temporary basis and accessible for lodging only, shall be permitted to have single bunk beds placed not over two high and shall not be required to meet the above-stated square footage requirement per occupant. Such rooms shall have a minimum of twenty-eight inches of clear space on one side of the bed or a minimum of thirty-six inches of clear space in the case of handicapped accessibility, and the beds shall be accessible by aisles of at least thirty-six inches in width. (Ord. 16973 §7; April 29, 1996; prior Ord. 16457 §1; September 7, 1993; Ord. 16186 §8; August 10, 1992).

21.01.090 Section 504.2 Amended; Light.

Section 504.2 of the Uniform Housing Code is amended to read as follows:

Section 504.2 Light. All habitable rooms within the dwelling unit shall be provided with natural light by means of exterior glazed openings, including windows and skylights, with an area not less than eight percent of the floor area of such rooms with a minimum of eight square feet. (Ord. 16973 §8; April 29, 1996; prior Ord. 16186 §9; August 10, 1992).

21.01.100 Section 504.3 Amended; Ventilation.

Section 504.3 of the Uniform Housing Code is amended to read as follows:

Section 504.3 Ventilation. Guest rooms and habitable rooms within the dwelling unit or congregate residence shall be provided with natural ventilation by means of openable exterior openings with an area not less than 1/25th of the floor area of such rooms, with a minimum of four square feet.

In lieu of required exterior openings for natural ventilation, a mechanical ventilating system may be provided. Such system shall be capable of providing two air changes per hour in all guest rooms, dormitories, habitable rooms and in public corridors. One-fifth of the air supply shall be taken from the outside.

Bathrooms, water closet compartments, laundry rooms, and similar rooms shall be provided with natural ventilation by means of openable exterior openings with an area not less than 1/25th of the floor area of such rooms, with a minimum of one and one-half square feet.

In lieu of required exterior openings for natural ventilation in bathrooms containing a bathtub or shower or combination thereof, laundry rooms, and similar rooms, a mechanical ventilation system connected directly to the outside, capable of providing five air changes per hour shall be provided. The point of discharge of exhaust air shall be at least three feet from any opening into the building. Bathrooms which contain only a water closet or lavatory, or combination thereof, and similar rooms, may be ventilated with an approved mechanical recirculating fan or similar device designed to remove odors from the air. (Ord. 16973 §9; April 29, 1996; prior Ord. 16186 §10; August 10, 1992).

21.01.110 Section 505 Amended; Sanitation.

Section 505 of the Uniform Housing Code is amended to read as follows:

Section 505.1 Dwelling Units. Dwelling units shall be provided with a bathroom equipped with facilities consisting of a water closet, lavatory, and either a bathtub or shower.

505.2 Hotels. Hotels or subdivisions thereof where both sexes are accommodated shall contain at least two separate toilet facilities which are conspicuously identified for male or female use, each of which contains at least one water closet.

EXCEPTION: Hotel guest rooms may have one unidentified toilet facility.

Additional water closets shall be provided on each floor for each sex at the rate of one for every additional ten guests, or fractional part thereof, in excess of ten.

505.3 Dormitories, Rooming Houses, and Shelters for the Homeless. Dormitories, rooming houses, and shelters for the homeless shall have at least one flush water closet, lavatory basin, and bathtub or shower connected to a water and wastewater system and in good working condition for each ten persons or fraction thereof residing within a shelter for the homeless, including members of the operator's family wherever they share the use of said facilities; provided, that in a shelter for the homeless where rooms are let to or occupied by males only, flush urinals may be substituted for not more than one-half the required number of water closets. All such facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities.

505.4 Kitchen. Each dwelling unit shall be provided with a kitchen. Every kitchen shall be provided with a kitchen sink in good working condition and connected to a water and wastewater system. Wooden sinks or sinks of similarly absorbent material shall not be permitted.

505.5 Fixtures. All plumbing fixtures shall be connected to a sanitary sewer or to an approved private sewage disposal system. All plumbing fixtures shall be connected to an approved system of water supply and provided with hot and cold running water necessary for its normal operation.

All plumbing fixtures shall be of an approved glazed earthenware type or of a similarly nonabsorbent material.

505.6 Water Closet Compartments. Walls and floors of water closet compartments, except in dwellings, shall be finished in accordance with Section 806 of the Building Code.

505.7 Room Separations. Every water closet, bathtub or shower required by this code shall be installed in a room which will afford privacy to the occupant.

505.8 Sharing Bath and Toilet Facilities. The occupants of not more than one dwelling unit may share a single water closet, a single lavatory basin, and a single bathtub or shower.

505.9 Garbage Disposal. Every dwelling unit shall have such sanitary garbage disposal facilities or garbage storage containers as required by law and the ordinances of the City of Lincoln.

505.10 Rubbish Storage. Every dwelling unit shall be supplied with sanitary rubbish storage facilities.

505.11 Installation and Maintenance. All sanitary facilities shall be installed and maintained in a safe and sanitary condition and in accordance with applicable requirements of the Plumbing Code. (Ord. 16973 §10; April 29, 1996: prior Ord. 16186 §11; August 10, 1992).

21.01.115 Section 506 Added; Maintenance of Buildings.

Section 506 of the Uniform Housing Code is added to read as follows:

Section 506. Maintenance of Buildings. All buildings, or portions thereof, shall be adequately maintained so as to be free of deterioration that endangers or is likely to endanger the life, limb, health, property, safety, or welfare of the public or occupants thereof. All exposed exterior surfaces, windows and doors of buildings, structures and the premises upon which they are located shall be adequately maintained so as to not present a deteriorated or blighted appearance.

Inadequate maintenance of buildings shall include but not be limited to the following:

(1) Any building or portion thereof which is determined to be an unsafe building in accordance with Section 102 of the Uniform Building Code.

(2) Buildings which for a period of six months or more are boarded up, left in a partial state of destruction, or left in a state of partial construction after expiration of a building permit for such construction.

- (3) Broken windows constituting hazardous conditions.
- (4) Unpainted buildings which have begun to dry rot, warp, or become infested with termites.
- (5) Buildings which have substantial and noticeable conditions of blight or deterioration.
- (6) Buildings which have cracked, chipped, flaking, peeling, or missing paint over 50% or more of any wall or face of the building.

Inadequate maintenance of the premises shall include, but not be limited to the following:

- (1) Accumulation of debris, litter, rubbish, rubble, and similar materials or conditions.
 - (2) Dead and dying trees and limbs or other natural growth which by reason of rotting or deteriorating condition or storm damage constitute a health or safety hazard to persons in the vicinity thereof.
 - (3) Sources of infestation.
 - (4) Premises which have substantial and noticeable conditions of blight or disrepair.
- (Ord. 16973 §11; April 29, 1996; prior Ord. 16955 §5; March 18, 1996).

21.01.120 Section 601.4 Added; Drainage Around Foundation.

Section 601 of the Uniform Housing Code is amended to add a subsection 601.4 to read as follows:

Section 601.4 Drainage Around Foundation. The ground around the foundation of a dwelling shall be graded so that water will drain away from the foundation and no standing water may collect within five feet of the structure. (Ord. 16973 §12; April 29, 1996; prior Ord. 16186 §12; August 10, 1992).

21.01.130 Section 601.5 Added; Screen Required.

Section 601 of the Uniform Housing Code is amended to add a subsection 601.5 to read as follows:

Section 601.5 Screens Required. Every window and other exterior opening of a dwelling unit to outdoor space used or intended to be used for ventilation purposes, shall be supplied with a full or half screen covering all of the area used or intended to be used for the ventilation, and shall be properly installed, maintained, and repaired to prevent the entrance of flies, mosquitos, or other insects from May 15th of the year to October 1st of the year. (Ord. 16973 §13; April 29, 1996; prior Ord. 16186 §13; August 10, 1992).

21.01.140 Section 701.4 Added; Removal or Shut-Off of Facilities and Equipment.

Section 701 of the Uniform Housing Code is amended to add a subsection 701.4 to read as follows:

Section 701.4 Removal or Shut-Off of Facilities and Equipment. No owner, operator, or occupant shall cause any service, facility, equipment, or utility to be removed from, or shut off from, or discontinued for any occupied dwelling, let or occupied by them, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, and/or during temporary emergencies when discontinuance of service is approved by the Building Official. (Ord. 16973 §14; April 29, 1996; prior Ord. 16186 §14; August 10, 1992).

21.01.150 Section 701.5 Added; Lighting in Public Halls and Stairways.

Section 701 of the Uniform Housing Code is amended to add a subsection 701.5 to read as follows:

Section 701.5 Lighting in Public Halls and Stairways. Every public hall and stairway in every multiple dwelling containing five or more dwelling units shall be adequately lighted at all times. Every public hall and stairway in structures devoted solely to dwelling occupancy and containing not more than four dwelling units, may be supplied with conveniently located light switches, controlling an approved adequate lighting system, which may be turned on when needed instead of full-time lighting. (Ord. 16973 §15; April 29, 1996; prior Ord. 16186 §15; August 10, 1992).

21.01.160 Section 801 Amended; Exits; General.

Section 801 of the Uniform Housing Code is amended to read as follows:

Section 801. Dwelling units or guest rooms shall have access directly to the outside or to a public corridor. All buildings or portions thereof shall be provided with exits, exitways, and appurtenances as required by Chapter 10 of the Building Code.

Sleeping rooms below the fourth story shall have at least one openable window or exterior door approved for emergency escape or rescue. The units shall be openable from the inside to provide a full clear opening without the use of separate tools.

Every dormitory room shall have exits so arranged that from any sleeping room or open dormitory sleeping area there will be safe and unobstructed access to two separate and distinct exits in different directions with no common path of travel, unless the room or space is subject to occupancy by not more than ten persons and has a door opening directly to the outside of the building at street or ground level or to an outside stairway. (Ord. 16973 §16; April 29, 1996; prior Ord. 16186 §16; August 10, 1992).

21.01.170 Section 901 Amended; Fire Protection.

Section 901 of the Uniform Housing Code is amended to read as follows:

Section 901.1 General. All buildings or portions thereof shall be provided with the degree of fire-resistive construction as required by the Building Code for the appropriate occupancy, type of construction and location on property, and shall be provided with the appropriate fire-extinguishing systems or equipment required by Chapter 9 of the Building Code.

901.2 Smoke Detectors. One or more functioning smoke detectors shall be provided in all dwelling units and dormitory rooms, mounted or installed as required by Section 310.9 of the Building Code.

901.3 Fire Doors; Closing and Latching. All required fire doors must be self-closing and equipped with self-latching latches for keeping the doors tightly closed. (Ord. 16973 §17; April 29, 1996; prior Ord. 16186 §17; August 10, 1992).

21.01.175 Section 1001.1 Amended; General.

Section 1001.1 of the Uniform Housing Code is amended to read as follows:

Section 1001.1 General. Any building or portion thereof which is determined to be an unsafe building in accordance with Section 102 of the Building Code; or any building or portion thereof, including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the conditions referenced in this section to an extent that such condition endangers or

is likely to endanger the life, limb, health, property, safety, or welfare of the public or the occupants thereof, shall be deemed and hereby is declared to be a substandard building. (Ord. 16973 §18; April 29, 1996; prior Ord. 16955 §6; March 18, 1996).

21.01.180 Section 1001.3.10 Added; Structural Hazards.

Section 1001.3 of the Uniform Housing Code is amended to add a new subsection 1001.3.10 to read as follows:

Section 1001.3.10 Every inside and outside stair, every porch, every handrail, every guardrail and every appurtenance thereto which is so constructed or in lack of repair so as to be unsafe to use and not capable of supporting the load that normal use may cause to be placed thereon. (Ord. 16973 §19; April 29, 1996; prior Ord. 16186 §18; August 10, 1992).

21.01.182 Section 1001.3.11 Added; Structural Hazards.

Section 1001.3 of the Uniform Housing Code is amended to add a new subsection 1001.3.11 to read as follows:

Section 1001.3.11 Roof drainage systems which are not secured and hung properly so as to reduce the risk of all or portions thereof falling to the ground. (Ord. 16973 §20; April 29, 1996; prior Ord. 16955 §7; March 18, 1996).

21.01.185 Section 1001.11 Amended; Maintenance of Premises.

Section 1001.11 of the Uniform Housing Code is amended to read as follows:

Section 1001.11 Maintenance of Premises. Buildings shall be considered substandard when the premises on which the same are located are inadequately maintained. Inadequate maintenance of the premises shall include, but not be limited to, the following:

- (1) Accumulation of debris, litter, rubbish, rubble, and similar materials or conditions.
 - (2) Dead and dying trees and limbs or other natural growth which by reason of rotting or deteriorating condition or storm damage constitute a health or safety hazard to persons in the vicinity thereof.
 - (3) Sources of infestation.
 - (4) Premises which have substantial and noticeable conditions of blight or disrepair.
- (Ord. 16973 §21; April 29, 1996; prior Ord. 16955 §8; March 18, 1996).

21.01.190 Section 1001.15 Added; Inadequate Mobile Homes.

Section 1001 of the Uniform Housing Code is amended to add a subsection 1001.15 to read as follows:

Section 1001.15 Inadequate Mobile Homes. Any mobile home which fails to comply with any requirement which existed at the time of its manufacture by the Manufactured Housing Construction and Safety Standard Act, 42 U.S.C. 5401, et seq., as amended, shall be considered substandard. (Ord. 16973 §22; April 29, 1996; prior Ord. 16186 §19; August 10, 1992).

21.01.200 Section 1001.16 Added; Inadequate Construction or Maintenance of Equipment and Facilities.

Section 1001 of the Uniform Housing Code is amended to add a subsection 1001.16 to read as follows:

Section 1001.16 Inadequate Construction or Maintenance of Equipment and Facilities.

The use of any supplied facility, piece of equipment, or utility which has not been constructed, installed, or maintained so that it will function safely and effectively shall cause a building or dwelling unit to be substandard. (Ord. 16973 §23; April 29, 1996; prior Ord. 16186 §20; August 10, 1992).

21.01.210 Section 1001.17 Added; Removal or Shut Off of Facilities and Equipment.

Section 1001 of the Uniform Housing Code is amended to add a subsection 1001.17 to read as follows:

Section 1001.17 Removal or Shut Off of Facilities and Equipment. The removal or shutting off or discontinuance of any service, facility, equipment, or utility which is required under this code for any occupied dwelling, except for temporary interruptions as may be necessary while actual repairs or alterations are in process, or during emergencies when discontinuance of service is approved by the Building Official, shall cause the building to be substandard. (Ord. 16973 §24; April 29, 1996; prior Ord. 16186 §21; August 10, 1992).

21.01.212 Section 1001.18 Added; Inadequate Maintenance.

Section 1001 of the Uniform Housing Code is amended to add a subsection 1001.18 to read as follows:

Section 1001.18 Inadequate Maintenance. Buildings or portions thereof shall be deemed substandard when they are inadequately maintained. Inadequate maintenance shall include, but not be limited to, the following:

- (1) Any building or portion thereof which is determined to be an unsafe building in accordance with Section 102 of the Uniform Building Code.
- (2) Buildings which are for a period of six months or more boarded up, left in a partial state of destruction, or left in a state of partial construction after expiration of a building permit for such construction.
- (3) Broken windows constituting hazardous conditions.
- (4) Unpainted buildings which have begun to dry rot, warp, or become infested with termites.
- (5) Buildings which have substantial and noticeable conditions of blight or deterioration.
- (6) Buildings which have cracked, chipped, flaking, peeling or missing paint over 50% or more of any wall or face of the building. (Ord. 16973 §25; April 29, 1996; prior Ord. 16955 §9; March 18, 1996).

21.01.215 Section 1103 Amended; Repair, Vacation and Demolition.

Section 1103 of the Uniform Housing Code is amended to read as follows:

Section 1103. The following standards shall be followed by the Building Official (and by the Housing Advisory and Appeals Board if an appeal is taken) in ordering the repair, vacation or demolition of any substandard building or structure:

(1) Any building declared a substandard building under this code shall be made to comply with one of the following:

A. The building shall be repaired in accordance with the current Building Code or other current code applicable to the type of substandard conditions requiring repair; or

B. The building shall be demolished at the option of the building owner.

(2) If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property, or safety of the public or of the occupants, it shall be ordered to be vacated, secured, and maintained against entry until repaired or demolished. (Ord. 16955 §10; March 18, 1996).

21.01.220 Section 1104.1 Amended; Notice to Vacate; Posting.

Section 1104.1 of the Uniform Housing Code is amended to read as follows:

Section 1104.1 Posting. Every notice to vacate shall, in addition to being served as provided in Section 1101.3, be posted at or upon each exit of the building, and shall be in substantially the following form:

WARNING

Notice is Hereby Given That These Premises

Known as _____ are Declared
Address/Unit

Unsafe to Occupy

DO NOT ENTER

**It is a misdemeanor to occupy
this building or to remove or
deface this notice.**

Date

**Building and Safety Dept.
City of Lincoln
441-7785**

(Ord. 16973 §26; April 29, 1996; prior Ord. 16186 §22; August 10, 1992).

21.01.230 Section 1301.4 Amended; Continuances.

Section 1301.4 of the Uniform Housing Code is amended to read as follows:

Section 1301.4 Continuances. The Chair of the Board, or in the chair's absence, the vice-chair of the Board, may grant continuances for good cause shown; however, when a hearing examiner has been assigned to such hearing, no continuances may be granted except by the examiner for good cause shown

so long as the matter remains before the examiner. (Ord. 16973 §27; April 29, 1996: prior Ord. 16186 §23; August 10, 1992).

21.01.240 Section 1401.3.1 Amended; Failure to Commence Work.

Section 1401.3.1 of the Uniform Housing Code is amended to read as follows:

Section 1401.3.1 The Building Official shall cause the building described in such notice and order to be vacated by posting at each entrance thereto a notice reading:

WARNING

Notice is Hereby Given That These Premises

Known as _____ are Declared
Address/Unit

Unsafe to Occupy

DO NOT ENTER

**It is a misdemeanor to occupy
this building or to remove or
deface this notice.**

Date

**Building and Safety Dept.
City of Lincoln
441-7785**

(Ord. 16973 §28; April 29, 1996: prior Ord. 16186 §24; August 10, 1992).

21.01.250 Chapter 17 Added; Rooming Houses.

Add Chapter 17 to the Uniform Housing Code to read as follows:

CHAPTER 17 - ROOMING HOUSES

Section 1701. Compliance with Title. No person shall operate a rooming house or shall occupy or let to another for occupancy any rooming unit in any rooming house, except in compliance with the provisions of this title, and with all other applicable laws, ordinances, rules and regulations.

Section 1702. Permit Required. No person shall operate a rooming house unless he or she holds a valid rooming house permit issued by the Building Official under the provisions of Chapter 5.38 of this code.

Section 1703. Toilet Facilities. At least one flush water closet, lavatory basin, and bathtub or shower connected to a water and wastewater system and in good working condition shall be supplied for each eight persons or fraction thereof residing within a rooming house, including members of the operator's family wherever they share the use of the said facilities; provided that in a rooming house where rooms are

let only to males, flush urinals may be substituted for not more than one-half the required number of water closets. All such facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities. Each lavatory basin and bathtub or shower shall be supplied with hot water at all times.

Section 1704. Exits. Every rooming unit shall have safe, unobstructed means of egress leading to safe and open space at ground level, as required by the laws of this State and the ordinances of the City of Lincoln.

Section 1705. Sanitary Maintenance. The operator of every rooming house shall be responsible for the sanitary maintenance of the walls, floors, and ceiling and for maintenance of a sanitary condition in every other part of the rooming house, and shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator.

Section 1706. Clean Linen and Towels. The operator of every rooming house shall change supplied bed linen and towels therein at least once each week, and prior to the letting of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.

Section 1707. Floor Area of Sleeping Rooms. Every room occupied for sleeping purposes by one person in a rooming house constructed after the effective date of this title shall contain at least seventy square feet of floor area, and every room occupied for sleeping purposes by more than one person shall contain at least fifty square feet of floor area for each occupant thereof.

Section 1708. Application to Hotels and Motels. Every provision of this title which applies to rooming houses shall also apply to hotels and motels. (Ord. 16973 §29; April 29, 1996; prior Ord. 16186 §25; August 10, 1992).

21.01.260 Chapter 18 Added; Shelters for the Homeless.

Add Chapter 18 to the Uniform Housing Code to read as follows:

CHAPTER 18 - SHELTERS FOR THE HOMELESS

Section 1801. Compliance with Laws. No person shall operate a shelter for the homeless or shall occupy or allow another to occupy any rooming unit in any shelter for the homeless except in compliance with the provisions of this title and other applicable laws, ordinances, rules.

Section 1802. Toilet Facilities. At least one flush water closet, lavatory basin, and bathtub or shower connected to a water and wastewater system and in good working condition shall be supplied for each eight persons or fraction thereof residing within a shelter for the homeless, including members of the operator's family wherever they share the use of said facilities; provided, that in a shelter for the homeless where rooms are let to or occupied by males only, flush urinals may be substituted for not more than one-half the required number of water closets. All such facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities. Each lavatory basin and bathtub or shower shall be supplied with hot water at all times.

Section 1803. Exits. Every rooming unit shall have safe, unobstructed means of egress leading to safe and open space at ground level, as required by the laws of this State and the ordinances of the City of Lincoln.

Section 1804. Sanitary Maintenance. The operator of every shelter for the homeless shall be responsible for the sanitary maintenance of the walls, floors, and ceilings and for maintenance of a sanitary condition in every other part of the shelter, and shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased to or occupied by the operator.

Section 1805. Clean Linen and Towels. The operator of every shelter for the homeless shall change supplied bed linen and towels therein at least once each week, and prior to the letting or occupancy of any room to any occupant. The operator shall be responsible for maintenance of all supplied bedding in a clean and sanitary manner.

Section 1806. Floor Area of Sleeping Rooms. Every room occupied for sleeping purposes by one person in a shelter for the homeless constructed after the effective date of this title shall contain at least seventy square feet of floor area, and every room occupied for sleeping purposes by more than one person shall contain at least fifty square feet of floor area for each occupant thereof; provided, that dormitory rooms, used only for sleeping accommodations on a temporary basis and accessible for lodging only, shall be permitted to have single bunk beds placed not over two high and shall not be required to meet the above-stated square footage requirement per occupant. Such rooms shall have a minimum of twenty-eight inches of clear space on one side of the bed or a minimum of thirty-six inches of clear space in the case of handicapped accessibility, and the beds shall be accessible by aisles of at least thirty-six inches in width. It shall be unlawful for any owner to occupy or allow another to occupy or let to any other person any such dormitory room within any shelter for the homeless for more than fourteen consecutive days. (Ord. 16973 §30; April 29, 1996; prior Ord. 16186 §26; August 10, 1992).

21.01.270 Chapter 19 Added; Dormitories.

Add Chapter 19 to the Uniform Housing Code to read as follows:

CHAPTER 19 - DORMITORIES

Section 1901. Compliance with Laws. No person shall operate a dormitory or shall occupy or allow another to occupy any sleeping accommodations in any dormitory except in compliance with the provisions of this title and with all other applicable laws, ordinances, rules, and regulations.

Section 1902. Toilet Facilities. At least one flush water closet, lavatory basin, and bathtub or shower connected to a water and wastewater system and in good working condition shall be supplied for each eight persons or fraction thereof residing within a dormitory, including members of the operator's family whenever they share the use of said facilities; provided that in a dormitory where rooms are let to or occupied by males only, flush urinals may be substituted for not more than one-half the required number of water closets. All such facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities. Each lavatory basin and bathtub or shower shall be supplied with hot water at all times.

Section 1903. Fire Protection. Every dormitory room shall be equipped with smoke detectors and shall have exits so arranged that from any sleeping room or open dormitory sleeping area there will be safe and unobstructed access to two separate and distinct exits in different directions with no common path of travel, unless the room or space is subject to occupancy by not more than ten persons and has a door opening directly to the outside of the building at street or ground level or to an outside stairway.

Section 1904. Sanitary Maintenance. The operator of every dormitory shall be responsible for the sanitary maintenance of the walls, floors, and ceilings and for maintenance of a sanitary condition in every other part of the dormitory and shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased to or occupied by the operator.

Section 1905. Clean Linen and Towels. The operator of every dormitory shall change supplied bed linen and towels therein at least once each week, and prior to the letting or occupancy of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.

Section 1906. Sleeping Rooms. Dormitory rooms which are used only for sleeping accommodations shall be permitted to have single bunk beds placed not over two high and shall not be required to meet any minimum square footage requirement per occupant. Such rooms shall have a minimum of twenty-eight inches of clear space on one side of the bed or a minimum of thirty-six inches of clear space in the case of handicapped accessibility, and the beds shall be accessible by aisles of at least thirty-six inches in width. (Ord. 16973 §31; April 29, 1996; prior Ord. 16186 §27; August 10, 1992).